

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval
For
Other Than Full and Open Competition

Brand Name

1. **Contracting Activity:** Department of Veterans Affairs, VISN 08, Orlando VA Medical Center
Orlando VAMC transaction: 675-13-1-4239-0106
2. **Nature and/or Description of the Action Being Processed:** This is a justification for name brand to add to the equipment and licenses for concurrent users on an existing system. The software (EndoWorks) is specific to the existing computer system which works using a secured system configuration necessary to validate functionality to meet FDA regulatory requirements. The action being processed includes software maintenance agreement for remote support services.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:**

Olympus America, Inc. provides the system known as "EndoWorks" and is being requested for the New Lake Nona VA Medical Center located in Orlando, Florida. EndoWorks (EW) is currently installed, interfaced with Vista/Clinical Procedures electronic healthcare recordkeeping systems at the Orlando VA. EW is currently approved to be deployed at VA facilities without the need of additional/non-approved off the shelf (OTS) software. Existing documented Clinical Competencies are in place for the Clinical end user of the Orlando VA's EW system. Therefore the New Lake Nona Medical Facility must provide a seamless level of connectivity to the existing Olympus America EndoWorks (OAEW).

4. **Statutory Authority Permitting Other than Full and Open Competition:**
 - (X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
 - () (2) Unusual and Compelling Urgency per FAR 6.302-2;
 - () (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
 - () (4) international Agreement per FAR 6.302-4;
 - () (5) Authorized or Required by Statute FAR 6.302-5;
 - () (6) National Security per FAR 6.302-6;
 - () (7) Public Interest per FAR 6.302-7;
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**
Only One Responsible Source (FAR 6.302-11–

Orlando VA Medical Center is requesting brand name procurement for OAEW. The existing OAEW system is fully integrated within the Orlando VA Medical Center thus replacing the existing vendor at this juncture, would not be cost effective and would involve a non-uniform standard of healthcare that may negatively impact the level of care/services. Existing documented Clinical Competencies are in place for the Clinical end user of the Orlando VA's EW system. In-house VA employee maintenance is

already being performed, by competent, fully trained, and professionally skilled Biomedical Equipment Support Specialist. Maintaining compatibility is imperative to meet agency needs and better serve our Nations Veteran. EW software is proprietary to Olympus America Inc.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:

A solicitation will be posted IAW FAR Part 5.101 on the GPE with unrestricted access by all business. A 2268 will be completed as this requirement is not manufactured by small businesses and thus cannot meet the non-manufacture rule IAW 19.502-2(c). As market research indicates there are several distributors of this equipment so, there will be sufficient competition generated.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable: As authorized by FAR13.106-3 fair and reasonable price is determined through comparison with similar items in a related industry. Reference S19 in e-CMS briefcase for supporting documentation.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:

A sources sought was issued on the GPE under RFI # VA248-12-I-0923 and there were 4 companies interested in providing the items listed on the RFI. However, only 3 companies/distributors were able to provide the requirement requested—the EW Software. Market research has determined that there is one manufacture of the software and the brand name that is being requested possesses all requirements as described in section 5.

The EndoWorks is proprietary to Olympus. An interagency search for previous purchases revealed that throughout the Veterans Health Administration EW software was acquired using authority of FAR 6.302-1, only one (or a limited number of) responsible source(s).

9. Any Other Facts Supporting the Use of Other than Full and Open Competition:

The EW software is installed in an existing server positioned at Orlando. The increase of software licenses permits synergy between the software being licensed, the existing licenses, and products and technology owned by the Orlando VA. The existing license grant clearly describes the software, technology and/or intellectual property rights licensed including software, technology and/or intellectual property rights that are allowed under the agreement. With the core in place, adding licenses as opposed to having to purchase the core will save money (stand-alone vs. add-on; license optimization which targets continuing costs such as support, maintenance and services related to existing assets), time (personnel training, user proficiency), and minimizes the hurdles of software audit.

Depending on the size DataBase, data migration can take one to two days when successful. Using a system other than the existing software will incur additional cost for this migration and requires reformatting data for compatibility of the new database which is subject to increased delayed and longer system down time. Security requirements for loading new database software into a virtual server environment on a VA network is an added concern that requires considerable time for system testing and to ensure HL7 inbound and outbound ADT interfaces will work correctly and that physicians reports are made available in the Patient Record System CPRS/Vista. Estimated time is one to two weeks to fully come online when successful. An

additional week is needed for training staff on new software operation. Software not approved to work in a virtual environment requires the purchase of server hardware and installation.

It is imperative to the GI and Pulmonary Departments to have the same system in place at all its Orlando locations (Orlando, Viera, and Lake Nona) to allow standardization to form a baseline to design improvements, install updates, and support audits. Clinical staff is trained on EW's system thus decreasing the amount of training and education required and limiting the learning curve that ultimately impacts patient care. The existing EW System is a VA approved integrated system that is tied to the Clinical Procedures system for inbound HL7 messaging and CPRS/VISTA Imaging for HL7 outbound messaging and formatted reports. The current vendor has an established VA VPN account to remote into our system to provide maintenance support or help create templates as needed by the Physicians reducing the downtime of the system.


10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

Olympus
A2Z Supply
Metro Medical
R&M Government

11. A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:

Competition is only limited to the extent of the brand name requested. Market research indicates that sufficient suppliers are willing and able to fulfill this requirement through competitive process.

- 12. Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.



Floyd Matherne
Biomedical Equipment Support Specialist
Orlando Activation Office, VAMC

April 4, 2013

Date

13. Approvals in accordance with FAR 6.304

- a. **Contracting Officer's Certification:** (required) I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

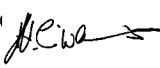
Rosa I
Rivera
131119

Digitally signed by: Rosa I Rivera 131119
DN: CN = Rosa I Rivera 131119 O = Internal
OU = people
Date: 2013.04.04 10:11:21 -05'00'

April 4, 2013

Rosa Rivera
Contracting Specialist
Orlando OVAMC

Date

- b. **Product Line Supervisor (PLS):** I certify that the foregoing justification is accurate and complete to the  knowledge and belief.

2013.04.04 12:05:30 -05'00'

Kenneth Williams
Contracting Supervisor
Orlando VAMC

- c. **NCM/PCM: (SAT: to 500,000)** I certify the justification meets requirements for other than full and open competition.

Mitchell Thomas
Network Contract Manager
VISN 8

Date

- d. **SAO:** I certify the justification meets requirements for other than full and open competition.

Network Contract Manager

Director

Service Area Office, East

Date

- e. **VHA HCA Review Approval:** (over \$500,000) I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (over \$50 million), approve (up to \$ 50 million) for other than full and open competition.

HCA

Chief Procurement and Logistics Officer

VHA Head of Contracting Activity (HCA)

Date